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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,795	11/13/2001	Don Hideyasu Matsubayashi	36.P271	6116

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EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/986,795	Applicant(s) MATSUBAYASHI ET AL.	
	Examiner Qing-Yuan Wu	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 46-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 46-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 and 46-64 are pending in the application.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/05 has been entered.
3. To insure proper consideration and to the extent required by 37 CFR 1.56, applicant is required to update the information hereby incorporated by reference (e.g. Update U.S. Application No. 09/411,665 to Patent No. 6,862,583, see specification, pg. 2).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 1-15 and 61-62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-15 and 61-62 are directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. (The examiner suggests applicant to change "method" to "computer implemented method" in the

preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-31 and 46-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (hereafter Theimer) (U.S. patent 5,611,050), in view of Bennett (U.S. PG Pub US20020007422A1), further in view of Davis et al (hereafter Davis) (U.S. Patent 5,633,932).

8. Theimer, Bennett and Davis were cited in the previous office action.

9. As to claim 1, Theimer teaches the invention substantially as claimed including a method for a user to obtain exclusive control of a device's capabilities over a network, the method comprising the steps of:

requesting to obtain exclusive control of the device's capabilities [col. 26, lines 27-33, 44-50; 500, Fig. 18];

determining whether the device is available for the user to obtain exclusive control of the device's capabilities [col. 26, lines 50-51; 502, Fig. 18];

in a case where the determining step determines that the device is available for the user to obtain exclusive control of the device's capabilities, providing the user exclusive control of the device's capabilities [col. 26, lines 57-65; 506, 508, 510, Fig. 18].

10. Theimer does not specifically teach in a case where the determining step determines that the device is not available for the user to obtain exclusive control of the device's capabilities, adding the user to a reservation queue of users requesting exclusive control of the device's capabilities and providing exclusive control of the device's capabilities to the user when the user reaches a first position within the reservation queue. However, Theimer disclosed denying request when the device is not available for the user to obtain exclusive control of the device's capabilities [col. 26, lines 51-53; 504, Fig. 18]. In addition, Bennett teaches queuing and retrieving access request in a wait queue based on priorities and granting exclusive access to the application on the exclusive queue if the exclusive queue (i.e. first position) has an application of higher priority than all applications in the non-exclusive queue [Bennett, pg. 9, paragraph 91; paragraph 92, lines 9-10; pg. 10, paragraph 96, lines 3-7].

11. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined Bennett's request queuing method to Theimer's method of requesting exclusive control because by queuing requests rather than simply denying access when a resource is busy reduces network traffics (i.e. denied request causing client to make additional request attempts) and produce a more efficient method of managing requests.

Art Unit: 2194

12. Furthermore, Theimer does not specifically teach requesting to process a job using the device's capabilities and adding the requested job to a job queue of jobs to be processed using the device's capabilities, wherein if the user has been provided exclusive control of the device's capabilities, at least one job within the job queue, corresponding to a user other than the user who has been provided exclusive control of the device's capabilities, is deferred from being processed during a period in which the user, who has been provided exclusive control of the device's capabilities, maintains exclusive control of the device's capabilities. However, Theimer disclosed exclusive access to a device's capabilities [col. 26, lines 27-30]. Bennett teaches queuing access requests and retrieving access requests when an application releases a resource from its exclusive use in a wait queue (i.e. deferred request) based on priorities and granting exclusive access to the application on the exclusive queue if the exclusive queue (i.e. first position) has an application of higher priority than any and all application in the non-exclusive queue [Bennett, pg. 9, paragraph 91; paragraph 92, lines 9-10; pg. 10, paragraph 96, lines 3-7]. In addition, Davis teaches refraining from printing a document until an intended recipient is present, transferring document from sending node to printing node to be printed, and queuing a job [Davis, col. 2, lines 50-54; col. 3, lines 25-28; col. 5, lines 13-24; col. 6, lines 45-48].

13. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teachings of Theimer, Bennett, and Davis because Davis' teachings allow the user with current exclusive access to have priority access to the device's capabilities.

14. As to claim 2, this claim is rejected for the same reason as claim 1 above.

15. As to claim 3, this claim is rejected for the same reason as claim 1 above.

16. As to claim 4, Theimer as modified teaches the invention substantially as claimed including in a case where the determining step determines that the device is under exclusive control of another user, further comprising determining whether the user requesting exclusive control of the device has a higher priority than the other user and, if the requesting user does have a higher priority than the other user, temporarily yielding exclusive control of the device to the requesting user, thereby providing the requesting user with exclusive control of the device [Bennett, pg. 9, paragraph 92, lines 1-8; paragraph 97, lines 4-6].

17. As to claim 5, Theimer as modified teaches the invention substantially as claimed including wherein the determining step comprises determining whether the user is authorized to obtain exclusive control of the device [col. 27, lines 3-5; 520, Fig. 19].

18. As to claim 6, this claim is rejected for the same reason as claim 1 above.

19. As to claim 7, this claim is rejected for the same reason as claims 1 and 6 above. In addition, Theimer as modified does not specifically teach notifying the user that exclusive control has been provided. However, Bennett disclosed processing notification messages from equipment to applications notifying the applications the status of the equipment [Bennett, paragraph 66, lines 1-11; paragraph 68, lines 12-15; Fig. 3B].

20. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognize that the teaching of Bennett would include informing the user the availability of the device and the status of the user's (application's) request, in order for the user to perform/confirm its operations using the device's capabilities in a timely manner without delaying other users or taking up the capacity of the queue.

21. As to claims 8-9, these claims are rejected for the same reason as claim 7 above. In addition, Theimer as modified teaches waiting a predetermined time for the user to confirm that exclusive control is to be provided and after the predetermined time has elapsed, removing the user from the reservation queue [Davis, col. 5, lines 25-33].

22. As to claims 10-12, these claims are rejected for the same reason as claims 1 and 8. In addition, Theimer as modified does not specifically teach moving the user to a new position within the reservation queue, wherein the new position is a last position within the reservation queue, and wherein the new position is based on the user's priority as compared with other user's in the reservation queue. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to lower the request's priority (given it the lowest priority) or resorting the requests⁷ in the queue base on its priority as been considered by Theimer as modified.

23. As to claim 13, Theimer as modified does not teach wherein the device is a multifunction device and wherein the device's capabilities comprise printing, facsimile, scanning and copying. However, Theimer disclosed various computing devices that includes printer, copier, Tab, Board,

etc. [col. 5, line 54; col. 14, lines 22-23; col. 26, lines 27-31]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the computing devices of Theimer are not limited to the above examples and could include multifunction device with the capabilities of printing, facsimile, scanning and copying to extend the functionality of Theimer's method.

24. As to claim 14, this claim is rejected for the same reason as claim 5 above.

25. As to claim 15, this claim is rejected for the same reason as claim 2. In addition, Theimer as modified teaches substantially in a case where the user is provided with exclusive control of the device, further comprising the steps of:

obtaining identification information of the user [Theimer, col. 27, lines 3-7; 520, Fig. 19; Davis, col. 5, lines 35-38;]; and

based on the obtained identification information, automatically manipulating a print job within the job queue so as to print out the print job pending in the job queue for the user during a period in which the user maintains exclusive control of the device's capabilities, while temporarily deferring at least one print job pending in the job queue [Davis, col. 6, lines 41-48; 350, 355, 360, Fig. 3].

26. As to claim 61, this claim is rejected for the same reason as claim 1 above.

27. As to claim 62, this claim is rejected for the same reason as claim 1 above. In addition, Theimer as modified does not specifically teach pushing a button on the device for relinquishing

Art Unit: 2194

exclusive control of the device's capabilities. However, Bennett disclosed application releasing a resource from its exclusive use [Bennett, pg. 10, paragraph 96, lines 1-2] and Davis disclosed a user providing authentication near a printing node [Davis, col. 6, lines 38-41]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the user intervention would complete the need of exclusive use of the resource and releasing the resource accordingly as being considered by Theimer as modified.

28. As to claims 16-30, these are computer-executable process claims that correspond to the method claims 1-15. Therefore, they are rejected for the same reason as claims 1-15 above.

29. As to claim 31, this is a computer-readable medium claim that corresponds to the method claim 1. Therefore, it is rejected for the same reason as claim 1 above.

30. As to claims 46-60, these are apparatus claims that correspond to the method claims 1-15. Therefore, they are rejected for the same reason as claims 1-15 above.

31. As to claim 63, this claim is rejected for the same reason as claim 61 above.

32. As to claim 64, this claim is rejected for the same reason as claim 62 above.

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,604,694 to Hough teaches queuing exclusive access requests when a resource is not available.

Response to Arguments

34. Applicant's arguments filed 10/3/05 have been fully considered but they are not persuasive.

35. In the remarks, Applicant argued in substance that:

a. The applied art is not seen to disclosed or to suggest the limitation as recited in claims 1, 16, 31 and 46, and in particular, is not seen to disclosed or to suggest at least the feature of, "in a case...within a reservation queue."

b. Nowhere, does Davis teach or suggest that the print job corresponds to a user other than a user who has been provided with exclusive control of the printer's capabilities, or that the print job is deferred from being printed during a period in which the user that has been provided with exclusive control maintains exclusive control over the device's capabilities.

36. Examiner respectfully traversed Applicant's remarks:

37. As to point (a), please see rejection for claim 1 above.

Art Unit: 2194

38. As to point (b), applicant's argument with respect to this limitation is mooted in view of the new ground of rejection.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194


Wu
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SRS 2194